

REMARKS

Response to Rejection Under 35 U.S.C. § 112

In the above-identified Office Action the claims were rejected under 35 U.S.C. § 112 on the grounds that the Specification did not disclose “transmitting” according to a “both-side transmitting protocol” or “transmitting” according to a “one-side protocol”.

As was pointed out during a telephone conference with the Examiner, the transmission “protocols” or “modes” are discussed on pages 19 and 20 of the Specification, wherein the transmission mode for processing when no pages are detected having both-side data proceeds as shown at 5 in Fig. 9, and when the receiver cannot handle both-side copies it proceeds as shown at 6 in Fig. 11. Also, the transmission mode for both-side data is described at page 20 in conjunction with Fig. 10, and the “hand shake” between the transmitting and receiving portions occurs in Fig. 10 but proceeds to Fig. 11 when the receiving portion does not accept both-side data.

Further in this regard, however, Applicant has amended Claims 1, 3, 4, 6, 7, and 9 to change “protocol” to –mode– so that the claim language matches exactly the language in the Specification. That is, at Page 20, lines 8-17, it is stated that “If the receiver has a both-side receiving function, step S46 follows... and the both-side transmission in the alternation mode is designated”. Also, “If the receiver does not have the both-side receiving function the processing routine advances to step F52 in Fig. 11”, which Fig. shows that in that condition transmission is not made in the alternation mode.

Accordingly, the Specification summarizes the advantages of this current apparatus in the paragraph which bridges Pages 21 and 22 of the Specification which states as follows:

“According to the embodiment as mentioned above, if at least one sheet of original in which the effective image data is included on both sides exists, the both-side transmission of the image data read out from both sides of the original is executed. In the other cases, the one-side transmission of the image data read out from the front side of the original is executed. Therefore, the following excellent effects are obtained. That is, it is unnecessary that the user pays attention to a result of the discrimination about the both-side original or the one-side original. The troublesome operation to set the both-side/one-side transmission mode is unnecessary. Merely by setting the original and executing the transmitting operation, the proper both-side or one-side transmission mode can be automatically selected, the proper image data can be certainly transmitted, and the failure in transmission can be prevented.”

Accordingly, it is believed that the Specification clearly discloses what is claimed in each of the independent claims.

Response to Rejections Based
On the Japanese Kido Patent

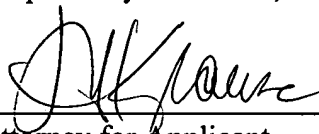
In the Office Action, at the top of page 3, there is set forth a characterization of what is allegedly disclosed in the Kido reference. An element of Applicant's claims is conspicuously missing, however, from that characterization of the Kido reference: namely, the claim requirement which states that the control means is “for notifying a partner side that a both-side transmission ... is to be executed.” That claimed notification, disclosed in Fig. 9 of the application and in the text related thereto, is not disclosed in the Kido reference. Moreover, the benefits between the claimed invention and the Kido disclosure

are a direct result of Applicant's different transmission modes and "notification" requirement.

For these various reasons it is believed that the claims as now presented are allowable, and the issuance of a formal Notice of Allowance is solicited.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our new address given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Krause', is written over a horizontal line.

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